

Message Text

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TO AMEMBASSY PANAMA PRIORITY

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E.O. 11652: N/A

TAGS: PBOR; EWWT; US; PN

SUBJECT: PANAMA CANAL TREATY IMPLEMENTATION AND HIGH
LEVEL COORDINATION

1. DEPT NOTES FROM EMBASSY MEMCON DATED MAY 11 THAT
PAN/CANAL HAS ESTABLISHED BILATERAL GROUP WHICH COULD
BE FORERUNNER TO COORDINATING COMMITTEE TO BE ESTABLISH-
ED UNDER ARTICLE II OF THE AGREEMENT IN IMPLEMENTATION
OF ARTICLE III OF PANAMA CANAL TREATY. WE VIEW THIS
AS A CONSTRUCTIVE STEP, SINCE AMBASSADOR IS RESPON-
SIBLE UNDER DRAFT IMPLEMENTING LEGISLATION FOR
COORDINATION OF TRANSFER OF FUNCTIONS TO PANAMA, WE
BELIEVE THAT FULL EMBASSY PARTICIPATION IS CALLED FOR.
MOREOVER, IT IS CONSISTENT WITH EXISTING PRACTICE IN
WHICH SENIOR EMBASSY REPRESENTATIVES SERVE AS MEMBERS
OF SIMILAR MILITARY COMMITTEES ESTABLISHED BY STATUS-
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OF-FORCES AGREEMENTS WITH OTHER COUNTRIES.

2. DEPT BELIEVES IT IS LIKEWISE IMPORTANT TO ESTABLISH
PRECURSOR TO HIGH-LEVEL CONSULTATIVE COMMITTEE CALLED
FOR BY ARTICLE III OF TREATY.

3. ARTICLE III REQUIRES THAT THE PARTIES "ESTABLISH

A PANAMA CANAL CONSULTATIVE COMMITTEE, COMPOSED OF AN EQUAL NUMBER OF HIGH-LEVEL REPRESENTATIVES OF THE UNITED STATES OF AMERICA AND THE REPUBLIC OF PANAMA, AND WHICH MAY APPOINT SUCH SUB-COMMITTEE AS IT MAY DEEM APPROPRIATE. THIS COMMITTEE SHALL ADVISE THE UNITED STATES OF AMERICA AND THE REPUBLIC OF PANAMA ON MATTERS OF POLICY AFFECTING THE CANAL'S OPERATION. IN VIEW OF BOTH PARTIES' SPECIAL INTEREST IN THE CONTINUITY AND EFFICIENCY OF THE CANAL OPERATION IN THE FUTURE, THE COMMITTEE SHALL ADVISE ON MATTERS SUCH AS GENERAL TOLLS POLICY, EMPLOYMENT AND TRAINING POLICIES TO INCREASE THE PARTICIPATION OF PANAMANIAN NATIONALS IN THE OPERATION OF THE CANAL, AND INTERNATIONAL POLICIES ON MATTERS CONCERNING THE CANAL. THE COMMITTEE'S RECOMMENDATIONS SHALL BE TRANSMITTED TO THE TWO GOVERNMENTS, WHICH SHALL GIVE SUCH RECOMMENDATIONS FULL CONSIDERATION IN THE FORMULATION OF SUCH POLICY DECISIONS."

4. THIS TREATY REQUIREMENT COULD NOT BE EFFECTIVELY CARRIED OUT IF EITHER NATION, IN THE PROCESS OF IMPLEMENTATION PLANNING PRIOR TO THE TREATY'S ENTRY INTO FORCE, WERE TO MAKE MAJOR POLICY DECISIONS WITHOUT CONSULTATION WITH THE OTHER. CONSEQUENTLY, AS DISCUSSED MORE FULLY IN LEGAL MEMORANDUM POUCHED TO EMBASSY, IT FOLLOWS THAT CONSULTATION SHOULD BEGIN PRIOR TO THE EFFECTIVE DATE OF THE TREATY--I.E., IN THE IMMEDIATE LIMITED OFFICIAL USE

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FUTURE--IF DIFFICULTIES ARE TO BE AVOIDED AND IF WE WISH TO MOVE FORWARD SMOOTHLY TO DECISION-MAKING WHEN THE TREATY STRUCTURE COMES INTO EXISTENCE.

5. ACCORDINGLY, WE HAVE CONCLUDED THAT FULL AND EFFECTIVE DISCHARGE OF CONSULTATION RESPONSIBILITY REQUIRES ESTABLISHMENT OF A FORERUNNER OR PRECURSOR TO THE CONSULTATIVE COMMITTEE--A HIGH-LEVEL, DIPLOMATIC WORKING GROUP WHICH WOULD SERVE AS A FORUM FOR THE DISCUSSION OF MAJOR POLICY DECISIONS REQUIRED OF BOTH NATIONS DURING THE PERIOD PRIOR TO TREATY EFFECTIVE DATE.

6. DIPLOMATIC GROUP WOULD BE A FORUM FOR BILATERAL CONSULTATION ON ISSUES OF GENERAL POLICY, AS CONTRASTED WITH OPERATIONAL MATTERS TO BE TAKEN UP BOTH BY GROUP ALREADY ESTABLISHED BY PAN/CANAL AND BY SIMILAR MILITARY GROUP WHICH IT IS ANTICIPATED WOULD FUNCTION AS FORERUNNER TO JOINT COMMITTEE. DIPLOMATIC GROUP IS

NOT INTENDED TO INTERFERE WITH IMPLEMENTATION PLANNING UNDERTAKEN BY THESE GROUPS BUT RATHER TO COMPLEMENT

IT BY PROVIDING A MEANS FOR THE TWO GOVERNMENTS TO DISCUSS GENERAL POLICY PROPOSALS AS THEY ARISE. RESPECTIVE FUNCTIONS OF THE THREE GROUPS AND THE RELATIONSHIP BETWEEN THEM WOULD THUS PARALLEL THAT CONTEMPLATED UNDER THE TREATY.

7. WE PROPOSE THAT PRINCIPAL U.S. REPRESENTATIVE ON DIPLOMATIC WORKING GROUP SHOULD BE AMBASSADOR POPPER IN HIS CAPACITY AS SPECIAL REPRESENTATIVE OF SECRETARY OF STATE FOR PANAMA TREATY AFFAIRS. AMBASSADOR TO PANAMA WOULD OF COURSE BE MEMBER OF GROUP. WE WOULD HOPE HE WOULD ASSUME RESPONSIBILITY FOR ACTIVITIES IN PANAMA BEARING ON MEETINGS AND WORK OF DIPLOMATIC GROUP. DOD WOULD BE INVITED TO NAME A REPRESENTATIVE LIMITED OFFICIAL USE

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ON DIPLOMATIC GROUP. REPRESENTATIVES OF OTHER AGENCIES WOULD BE ASKED TO PARTICIPATE IN DISCUSSION OF MATTERS IN WHICH THEY HAVE AN INTEREST. (TREASURY, FOR EXAMPLE, HAS SHOWN INTEREST.)

8. WE ANTICIPATE THAT THE GROUP MIGHT MEET FOUR OR FIVE TIMES BEFORE TREATY DAY, BUT IT COULD MEET MORE FREQUENTLY IF NECESSARY. FIRST MEETING MIGHT TAKE PLACE IN JULY OR AUGUST. OBJECTIVE OF COMMITTEE IN ALL ITS WORK WOULD BE TO LAY GROUNDWORK FOR SMOOTH TREATY IMPLEMENTATION AND TO FACILITATE QUICK AND EASY ASSUMPTION BY CONSULTATIVE COMMITTEE OF ITS FUNCTIONS UNDER THE TREATY.

9. UNLESS EMBASSY PERCEIVES OBJECTIONS, DEPT INTENDS TO PROPOSE TO PANAMA THE FORMATION OF SUCH A DIPLOMATIC GROUP. THE MANNER AND TIMING FOR THIS PROPOSAL WILL BE THE SUBJECT OF A LATER MESSAGE. WOULD APPRECIATE EMBASSY VIEWS BY JULY 1. VANCE

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